IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH JAIPUR.

O R D E R

S.B. CRIMINAL MISC.PETITION NO.1543/2006.
Ram Khiladi Vs. State

6.9.2006.

HON'BLE MR.JUSTICE HARBANS LAL

Mr. Davendra Chauhan for the petitioner.
Mr. S.N. Gupta PP for the State.

The instant misc. petition under Section 482 Cr.P.C. seeks quashing/modification of the order dated 29.7.2006 passed by the learned Additional District & Sessions Judge, Karauli in Cr.Revision No.40/2006 whereby while setting aside the order of the learned Addl. Chief Judicial Magistrate, Karauli, he partly allowed the revision petition and directed the release of the truck on furnishing of bank guarantee of Rs.1,50,000/-.

Briefly stated the relevant facts are that the petitioner who is a registered owner of Truck No.RJ-34/G-0338 was having transit pass for transporting stone. The Forest officials stopped the vehicle of the petitioner and seized the same in connection with offences under Sections 353, 341, 379 IPC and Section 41 and 42 of the Forest Act. The petitioners moved an application for interim release of the truck which was rejected by the learned Addl. Chief Judicial Magistrate, Karauli.

Dissatisfied with the aforesaid order, the petitioner preferred a criminal revision petition before the learned District & Sessions Judge, Karauli which came to be heard and disposed of by the learned court below. The revision was partly allowed and the truck was ordered to be released on Supardiginama on furnishing of bank guarantee of Rs.1,50,000/-. Being aggrieved by the said order, the petitioner has approached this Court invoking its inherent jurisdiction.

I have heard learned counsel for the petitioner and the learned Public Prosecutor for the State. I have also perused the relevant documents placed before as also the impugned orders.

The only grievance of the petitioner is that the amount of bank guarantee of Rs.1,50,000/- is too excessive looking to the fact that the vehicle involved is 26 years old and the petitioner is a poor person who is unable to furnish bank guarantee of such huge amount. He has submitted that this condition is onerous and unconscionable which deserves to be quashed. In this regard, he has referred to the case of **Ram Babu Vs. State of Rajasthan, S. B. Criminal Misc. Petition No. 1328 of 2005 decided on 24.10.2005** wherein the vehicle has been released on Supurdginama and surety bond without insisting on furnishing of bank guarantee. Learned PP has supported the impugned order.

Having carefully considered the rival submissions made at the bar, the relevant record, the impugned orders and all other facts and circumstances of the case, it appears that the amount of furnishing of bank guarantee is excessive and looking to the fact that make of the vehicle indeed is of the year 1976, the same deserves to be reduced.

Accordingly, the condition of furnishing of bank guarantee by the petitioners for the interim release of truck is reduced from Rs.1,50,000/- to Rs.50,000/-. The Truck be released and handed over to the petitioner on his furnishing a Supurdginama in the sum of Rs.50,000/- with bank guarantee in the like amount with the stipulation that he shall keep the truck intact and shall produce it before the concerned court as and when required and shall not transfer it in any manner whatsoever to anybody else. He shall also furnish photographs of the truck showing its number, colour etc.

The criminal misc.petition stands disposed of accordingly.

(HARBANS LAL), J.